

Message Text

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PAGE 01 STATE 004179

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ORIGIN EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

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DRAFTED BY EB/OA:MHSTYLES:VLV

APPROVED BY EB/OA:MHSTYLES

CAB - MR. LITTON

ARA/EP - MR. KING

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R 080020Z JAN 76

FM SECSTATE WASHDC

TO AMEMBASSY LIMA

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E.O. 11652: N/A

TAGS: EAIR, PE

SUBJECT: CIVAIR - UNRESOLVED US-PERU QUESTIONS

REF: LIMA 8989; BERCKEMEYER LETTER OF NOV. 27, 1975

1. EMBASSY IS REQUESTED TO SEND FOLLOWING MESSAGE TO
GENERAL BERCKEMEYER, DGTA, FROM MICHAEL H. STYLES, DIR.,
EB/OA:

QUOTE. DEAR BILL: YOUR LETTER TO ME OF NOVEMBER 27
APPEARS TO FOCUS ON THE QUESTION OF INTERPRETATION OF THE
JULY UNDERSTANDING AND OF THE 1946 AGREEMENT. AS I SAID
DURING OUR CONVERSATION, I BELIEVE IT WOULD BE MORE PRODUC-
TIVE FOR BOTH SIDES SIMPLY TO ACCEPT THAT CERTAIN MATTERS
WERE NOT FULLY ADDRESSED DURING THE NEGOTIATIONS, RATHER
THAN TO CARRY ON A STERILE EXCHANGE ON INTERPRETATION WHERE
OUR POSITIONS DIFFER.

WITH THE FOREGOING IN MIND, I WOULD LIKE TO PROPOSE WHAT
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PAGE 02 STATE 004179

SEEMS TO US TO BE A PRACTICAL AND WHOLLY REASONABLE

SOLUTION.

FIRST, WE WOULD BOTH ACCEPT THAT, SINCE THE FREQUENCY LEVELS SPECIFIED IN THE UNDERSTANDING APPLY ONLY TO FLIGHTS

CARRYING TRAFFIC OVER THE SEGMENTS SHOWN, ADDITIONAL FLIGHTS MAY BE OPERATED WITHOUT TRAFFIC RIGHTS (I.E., ON A BLIND SECTOR BASIS). SECONDLY, WE WOULD BOTH ACCEPT THAT EITHER AIRLINE MAY ADD, AS BLIND SECTORED INTERMEDIATE POINTS ON THE FREQUENCY LEVELS SPECIFIED IN THE UNDERSTANDING, INTERMEDIATE POINTS DESCRIBED IN PARAGRAPHS H AND I OF THE ANNEX TO THE AIR TRANSPORT AGREEMENT.

THIRDLY, WE WOULD ALLOW AEROPERU TO OPERATE TWO ALL-CARGO FLIGHTS PER WEEK BETWEEN LIMA AND MIAMI. HOWEVER, WE WOULD HAVE TO INSIST THAT THESE FLIGHTS ORIGINATE AND TERMINATE IN LIMA, SINCE IN THE ABSENCE OF BRANIFF INTEREST IN ALL-CARGO FLIGHTS, THERE COULD BE NO OPPORTUNITY FOR THE U.S. AIRLINE TO ACHIEVE RECIPROCITY.

FOURTHLY, WE WOULD PROVIDE THAT BRANIFF MAY OPERATE ITS THIRD FREQUENCY TO BRAZIL AND ITS FIFTH TO BUENOS AIRES AS OF FEBRUARY 1, 1976.

I THINK YOU WILL SEE FROM THE FOREGOING THAT THE FIRST AND SECOND POINTS ARE STRICTLY RECIPROCAL, ALTHOUGH IN FACT AEROPERU DERIVES GREATER ADVANTAGE FROM THE SECOND THAN BRANIFF. ONLY PERU GAINS FROM THE THIRD POINT, AND THE FOURTH IS A MINOR CONCESSION FOR THE UNITED STATES.

I ENCLOSE A DRAFT NOTE WHICH, TOGETHER WITH A CONFIRMATORY RESPONSE, WOULD BRING THIS MINI-INTERLUDE TO AN END.

ONE LAST POINT, BILL. AS I EXPLAINED TO YOU, WE HAVE DEFERRED THE NEW AEROPERU PERMIT ONLY BECAUSE ITS ISSUANCE IN ITS PRESENT FORM WOULD IMMEDIATELY BRING INTO QUESTION AEROPERU'S MEXICO CITY STOP. IF YOU WANT THE PERMIT ISSUED NOW, YOU HAVE ONLY TO SAY SO, BUT I HOPE YOU WILL AGREE THAT IT WOULD BE BETTER TO RESOLVE THE PENDING ISSUES FIRST. WE CERTAINLY HAVE NO INTENTION OF HOLDING UP LIMITED OFFICIAL USE

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PAGE 03 STATE 004179

AEROPERU'S SERVICE TO NEW YORK. SINCERELY,
MICHAEL H. STYLES, DIRECTOR, OFFICE OF AVIATION. END QUOTE

2. TEXT OF DRAFT NOTE IS AS FOLLOWS:

QUOTE. I HAVE THE HONOR TO REFER TO CERTAIN QUESTIONS WHICH HAVE ARISEN WITH REGARD TO THE OPERATION OF AIR SERVICES BETWEEN OUR TWO COUNTRIES UNDER THE AIR TRANSPORT

AGREEMENT OF DECEMBER 27, 1946, AS AMENDED, AND THE UNDER-
STANDING RELATING THERETO OF JULY 7, 1975, AND TO PROPOSE,
ON BEHALF OF MY GOVERNMENT, THE FOLLOWING ADDITIONAL
UNDERSTANDINGS:

1. SINCE THE FREQUENCY LEVELS SPECIFIED IN THE

UNDERSTANDING OF JULY 7, 1975, ARE INTENDED TO SPECIFY
ONLY THE NUMBER OF FLIGHTS THAT MAY CARRY TRAFFIC BETWEEN
THE POINTS INDICATED, EITHER AIRLINE MAY OPERATE ADDITIONAL
FLIGHTS WITHOUT TRAFFIC RIGHTS BETWEEN THE POINTS INDICATED
THEREIN.

2. EITHER AIRLINE COVERED BY THE UNDERSTANDING MAY
INCLUDE, AS INTERMEDIATE POINTS ON THE FREQUENCIES SPECI-
FIED IN THAT UNDERSTANDING, INTERMEDIATE POINTS DESCRIBED
IN PARAGRAPH H OR I, RESPECTIVELY, OF THE ANNEX TO THE AIR
TRANSPORT AGREEMENT, WITHOUT TRAFFIC RIGHTS BETWEEN SUCH
INTERMEDIATE POINTS AND AUTHORIZED POINTS IN THE TERRITORY
OF THE OTHER COUNTRY.

3. AEROPERU MAY, DURING THE TERM OF THE UNDERSTANDING,
OPERATE UP TO TWO ROUNDTRIP ALL-CARGO FLIGHTS PER WEEK AT
MIAMI ON SERVICES WHICH ORIGINATE OR TERMINATE AT LIMA.

4. NOTWITHSTANDING THE FOOTNOTES ATTACHED TO PARAGRAPH 2
OF THE UNDERSTANDING, BRANIFF MAY OPERATE A FIFTH FLIGHT
PER WEEK IN EACH DIRECTION BETWEEN LIMA AND BUENOS AIRES
AS OF FEBRUARY 1, 1976, AND A THIRD FLIGHT PER WEEK IN
EACH DIRECTION BETWEEN LIMA AND SAO PAULO/RIO DE JANEIRO
AS OF FEBRUARY 1, 1976.

I WOULD APPRECIATE RECEIVING CONFIRMATION THAT YOUR GOVERN-
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PAGE 04 STATE 004179

MENT ACCEPTS THE FOREGOING ADDITIONAL UNDERSTANDINGS.
END QUOTE.

KISSINGER

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